

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Claims 1 - 8 and 10 - 20 are pending in the application.
Claim 9 has been canceled.

Claims 1-3, 10, 11, 13, 14 & 17-20 stand rejected under 35 USC § 102 (e) as being anticipated by Pekala et al., US Patent 6,586,138, Applicants traverse this rejection. In order for a limitation to be anticipated under 35 USC § 102 (e) each and every limitation of the claim must be present in the prior art. In the Instant Application Applicants specify that they have a coating comprising a gel-forming polymer and a plasticizer in a weight ratio of 1:0.5 to 1:3. The Office avers that Pekala teaches gel-forming polymers and a plasticizer in column 5, lines 17-41. Pekala teaches gel-forming polymers in Column 5, lines 25-31, however it teaches use of solvents in lines 32-42. Applicants also teach using solvents in paragraph 22 of the Instant Application. The only overlap here is that Pekala teaches use of carbonates as solvents. Applicants teach use of Carbonates as a plasticizer, but the import difference is that Pekala specifically teaches in Column 5, lines 57-59:

"After the coating has been applied and the coating solution has cooled on the web, the solvent is allowed to evaporate . . ."

Therefore even if a carbonate is used, **it is allowed to evaporate off**, hence one would not be left with a coating comprising a gel-forming polymer and a plasticizer in a weight ratio of 1:0.5 to 1:3. Claim 1 cannot be anticipated by this reference.

With respect to claims 2, 3, 10, 14, 17, 18 if claim 1 is distinguished claims 2, 3, 10, 14, 17 and 18 should be equally allowable with claim 1.

With respect to claims 11 & 13, Pekala fails to teach or suggest the use of plasticizers with the gel-forming polymers. It is noted that Pekala teaches use of carbonates as solvents, but in this application those compounds are used as solvents and allowed to evaporate off, no significant amount is retained in the coating.

In the Instant Application the plasticizer is an element of the coating. Therefore the objection to claims 11 & 13 should be withdrawn and the claims allowed.

With respect to claims 19, Pekala fails to teach the use of a plasticizer. As noted above, the carbonates of Pekala are solvents and are allowed to evaporate off. With respect to Example 3, of Pekala, Example 3 fails to teach use of any plasticizer. Therefore the objection to claim 19 should be withdrawn and the claim allowed.

With respect to claim 20 if claim 19 is distinguished claim 20 should be equally allowable with claim 19.

The Office avers that the limitation in claim 1 with respect to the plasticizer and gel-forming polymer being in the weight ratio of 1:0.5 to 1:3 is inherent in view of Pekala, Example 3, Applicants traverse. As stated above Pekala does not teach use of a plasticizer only a solvent. Applicants teach use of solvents in paragraph 22 of the instant application. For all intensive purposes these solvents are the same, Pekala in column 5, lines 57-59 states **"After the coating has been applied and the coating solution has cooled on the web, the solvent is allowed to evaporate . . ."** Applicants in Paragraph 22 teach use of solvents in the instant process and these solvents are selected so that they evaporate out of the coating. Pekala does teach use of carbonates as solvents, which evaporate out of the coating, they do not form part of the coating system as Applicants have claimed in claim 1. The Office avers that isopropal alcohol is a plasticizer Applicants traverse. Pekala specifically teaches using solvents in the coating system and that these solvents are allowed to evaporate so that no significant amount remains in the coating system. Only Applicants' invention teaches using a plasticizer in the coating system which is retained in the separator. Pekala neither teaches nor suggests this. The only way to arrive at such a conclusion is to read the present application and perform hindsight

reconstruction. Applicants therefore respectfully request that the rejections to claims 1-3, 10, 11, 13, 14 & 17-20 under 35 USC § 102 (e) as being anticipated by Pekala et al., be withdrawn, and the claims allowed.

Claim 8 stands rejected under 35 USC § 103 (a) as being obvious from Pekala et al., US Patent 6,586,138, Applicants traverse this rejection. As stated above, Pekala fails to teach use of a plasticizer, Pekala teaches use of a solvent which evaporates from the coating so there is no weight ratio of solvent to coating in the formed product. Therefore the objection to claim 8 should be withdrawn and the claim allowed.

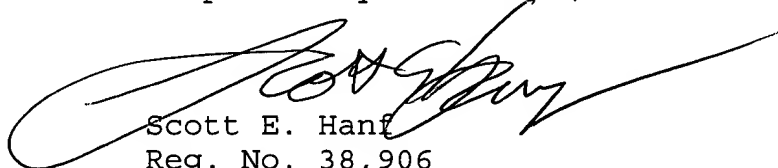
Claims 4, 5, 7 & 12 stand rejected under 35 USC § 103 (a) as being obvious from Pekala et al., US Patent 6,586,138, in view of Gozdz et al. US patent 5,418,091, Applicants traverse this rejection. The Office avers that Pekala teaches use of PVDF gel-forming polymers and propylene carbonate plasticizer. As Applicants have pointed out Pekala fails to teach use of any plasticizers in the coating. One of ordinary skill in the art would lack motivation to combine the reference in such a way to recreate Applicants' claims absent of impermissible hindsight reconstruction. Applicants respectfully request that the objection to claims 4, 5, 7 & 12 under 35 USC § 103 (a) as being obvious from Pekala et al., be withdrawn and the claims allowed.

Claims 15 & 16 stand rejected under 35 USC § 103 (a) as being obvious from Pekala et al., US Patent 6,586,138, in view of Kurauchi et al. US patent 5,691,047, Applicants traverse this rejection. Applicants point out that claims 15 and 16 are dependant claims that depend on or through claim 1, so if claim 1 is allowable claims 15 and 16 are equally allowable. Applicants respectfully request that the objection to claim 15 & 16 under 35 USC § 103 (a) as being obvious from Pekala et al., be withdrawn and the claims allowed.

Applicants note that the objections to claims 1 -20 as being obvious over the Gozdz publication in view of Gozdz '643 and Gozdz '091 have been withdrawn.

In view of the foregoing amendments and comments, Applicant respectfully requests an early Notice of Allowance in the instant application.

Respectfully submitted,



Scott E. Hanf
Reg. No. 38,906
Attorney for Applicant

Customer No. 29494
Robert H. Hammer III, P.C.
3121 Springbank Lane, Suite I
Charlotte, NC 28226
Telephone: 704-927-0400
Facsimile: 704-927-0485
E:\FIRMDocs\2000\034\Amendment051204.doc